

RECEIVED  
CENTRAL FAX CENTER

DEC 12 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

Applicants : Phelps et al.  
Serial No. : 10/625,886  
Filed : July 23, 2003  
Title : NON-TOXIC CORROSION-PROTECTION RINSES AND SEALS  
BASED ON RARE EARTH ELEMENTS  
Docket : UVD 0299 IA/UD 268  
Examiner : L. Zheng  
Confirm. No. : 3030  
Art Unit : 1742

Office of Finance  
Refund Section  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION  
I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office (Fax. No.  
571/273-8300) on December 12, 2006.  
*Patricia L. Prior*  
Attorney - Patricia L. Prior Reg. No. 33,750

Sir:

REQUEST FOR REFUND

Applicants hereby request a refund in the amount of \$130.00. Due a secretarial error, two Terminal Disclaimers (Statutory disclaimers), filed on May 11, 2006, were overpaid. \$260.00 was paid for the two terminal disclaimers (statutory disclaimers) on May 11, 2006 via Credit Card Payment Form (PTO-2038). According to the USPTO Fee Schedule, the amount for two Small Entity Terminal Disclaimers (Statutory disclaimers) 37 CFR 1.20(d) is \$130.00. Applicants claim small entity status. See 37 CFR 1.27.

Accordingly, Applicants request a refund in the amount of \$130.00 be sent in the form of a check to the address below. Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,  
DINSMORE & SHOHL LLP

By *Patricia L. Prior*  
Patricia L. Prior  
Registration No. 33,758

One Dayton Centre  
One South Main Street, Suite 1300  
Dayton, Ohio 45402-2023  
Telephone: (937) 449-6400  
Facsimile: (937) 449-6405  
PLP/AMM

51429v1

RECEIVED  
CENTRAL FAX CENTER

**Dinsmore & Shohl** LLP  
ATTORNEYS

DEC 12 2006

DEC 13 PM 4:07

**FACSIMILE TRANSMITTAL**  
December 12, 2006

from **PATRICIA L. PRIOR**

Direct: 937-449-6449 / Fax 937-223-0724 / [patricia.prior@dinslaw.com](mailto:patricia.prior@dinslaw.com)

**To:** OFFICE OF FINANCE  
REFUND SECTION  
**Firm:** COMMISSIONER FOR PATENTS

**Fax Number:** 571/273-8300

**Client Number:** UVD 0299 IA/40815.399/UD 268

**Pages:** 2  
(including cover)

**Comments:** **OFFICIAL** **OFFICIAL** **OFFICIAL**

Applicants : Phelps et al.  
Serial No. : 10/625,886  
Filed : July 23, 2003  
Title : NON-TOXIC CORROSION-PROTECTION RINSES  
AND SEALS BASED ON RARE EARTH ELEMENTS  
Examiner : L. Zheng  
Confirm. No. : 3030  
Art Unit : 1742

If there are any problems in receiving this transmission, please call Amy Marshall at (937) 449-6400 immediately. Thank you.

**Notice**

*This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.*

Dayton • One Dayton Centre • One South Main Street, Suite 1300 • Dayton, OH 45402-2030 • Phone: (937) 449-6400

Approved for use through 07/01/07  
U.S. Patent and Trademark Office  
PTO/SB/23 (03-04)  
U.S. Patent and Trademark Office  
COMMERCIAL

Under the Patent Reduction Act of 1985, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Class Number (Optional)  
LVD 0299 IAU2 288

In re Application of: Phelps et al  
Application No.: 10/825,886  
Filed: July 23, 2003  
For: NON-TOXIC CORROSION-PROTECTION RINGS AND SEALS BASED ON RARE EARTH ELEMENTS

The owner, University of Dayton, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/625,886 filed on July 23, 2003, as such term is defined in 35 U.S.C. 154 and 173, and so the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims connected by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and that false statements made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,695

  
\_\_\_\_\_  
William A. Jividen  
Typed or printed name

05/11/2005  
\_\_\_\_\_  
Date

(837) 448-6400  
\_\_\_\_\_  
Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(d) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/23 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Central Mail Stop for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-6109 and select option 2.

05/12/2006 HBINAS 00000015 10625886

03-FC:1814

139.00 OP

PAGE 760 \* RCVD AT 5/11/2006 4:48:51 PM [Eastern Daylight Time] \* SVR:USPTO-EXTR-6735 \* DNS:2733300 \* CSID:8374486405 \* DURATION (mm:ss):17:08

01/03/2007 ZIUHAR1 00000001 10625886

01 FC:2814

65.00 OP

BEST AVAILABLE COPY

Adjustment date: 01/03/2007 ZIUHAR1  
05/12/2006 HBINAS 00000015 10625886  
-130.00 OP  
03 FC:1814

MAY 11 2006

PTO/SB/85 (05-4-7)

Approved for use through 07/15/2005, CSD 6331-0031

U.S. Patent and Trademark Office 600-223-ARROW or 37 COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
UVO 0289 IAUJ 268

In re Application of: Phelps et al

Application No.: 10/825,886

Filed: July 23, 2003

For: NON-TOXIC CORROSION-PROTECTION RINSES AND SEALS BASED ON RARE EARTH ELEMENTS

The owner, William A. Jividen, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/825,819 filed on July 23, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be extended by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "no the term of any patent granted on said reference application may be extended by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims covered by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as characterized by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,685



William A. Jividen

Typed or printed name

05/11/2006

Date

(937) 449-6400

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-3038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/85 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a patent by the public which is to be used (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.16. This collection is estimated to take 12 minutes to complete, to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.16. Time will vary depending upon the individual case. Any comments on including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form under suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1459, Alexandria, VA 22313-1459. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1459, Alexandria, VA 22313-1459.

If you need assistance in completing this form, call 1-800-PTO-0199 and choose option 2.

05/12/2006 HBINAS 00000015 10625886

C2-FC:2814

-120.00 OP

PAGE 6160 \* RCVD AT 5/11/2006 4:48:51 PM [Eastern Daylight Time] \* SVR USPTO-PTO-6160 \* DNS:2730300 \* CSD:9374486405 \* DURATION (mm:ss):17:08

01/03/2007 ZJUHR1 00000001 10625886

02 FC:2814

65.00 OP

Refund Ref:  
01/03/2007

0030036848

Credit Card Refund Total: \$130.00  
VISA..... XXXXXXXXXXXX0226

BEST AVAILABLE COPY

Adjustment date: 01/03/2007 ZJUHR1  
05/12/2006 HBINAS 00000015 10625886  
-130.00 OP  
02 FC:1814